



O.P.No.881 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.07.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 881 of 2019

Raji @ Rajamani

...

Petitioner

Vs.

1. A.Rajendiran
2. A.Samiraja
3. Chellathai
4. Ponthai
5. A.Arunachalam
6. Pushpam

... Respondents

Original Petition is filed under Section 232 & 276 of Part IX of the Indian Succession Act, 1925 read with Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration as the Wife's sister's son / beneficiary under the last Will of the said deceased having effect throughout the Tamil Nadu State.

For Petitioner : Mr.P.Sivamani

For Respondents : No appearance



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ORDER

WEB COPY This Original Petition has been filed under Section 232 & 276 of Part IX of the Indian Succession Act, 1925 read with Order XXV, Rule-5 of Original Side Rules for grant of letters of Administration in respect of the Will dated 12.09.2011 executed by Late A.Rajarathinam in favour of the petitioner.

2. Heard Mr.P.Sivamani, learned counsel for the petitioner.

3. The scheduled mentioned property belonged to one A.Rajarathinam as he had received the same from the Tamil Nadu Slum Clearance Board by virtue of a registered sale deed dated 04.10.2000. A.Rajarathinam and his wife did not have any issues. A.Rajarathinam's wife R.Parvathy predeceased him on 19.08.2009. The petitioner is the son of the wife's sister of Rajarathinam. The owner of the property A.Rajarathinam died intestate and the respondents are the second class legal heirs of the deceased and they have not raised any objection. The respondents called absent and they remained *ex parte*.



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4. The testator had executed a Will dated 12.09.2011 by bequeathing the petition mentioned property in favour of the petitioner. After his death the Will has come into effect and the petitioner has filed this petition for grant of Letters of Administration.

5. The petitioner examined himself as P.W.1 and the attestors of the Will were examined as P.W.2 and P.W.3. On the side of the petitioner Exs.P1 to P10 have been marked which are tabulated hereunder:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the registered Sale Deed dated 04.10.2000 (compared with original)
P2	Photocopy of the Patta dated 18.10.2007 standing in the name of Mr.Raja Rathinam (compared with original)
P3	Computer generated death certificate of R.Parvathy
P4	Computer generated death certificate of Mr.A.Rajarathinam
P5	Original Will dated 12.09.2011 executed by Mr.A.Rajarathinam
P6	Affidavit of assets showing the net value of the estate as Rs.20,00,000/-
P7	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 29.10.2022
P8	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 05.11.2022.
P9	Affidavit of P.W.2 S.Rajadurai
P10	Affidavit of P.W.3 S.Murugesan



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6. The attesting witness by name S.Rajadurai and S.Murugesan who were examined as P.W.2 and P.W.3 have also stated their role of attesting the Will and they have also identified the signature of the testator in the Will and stated that the testator was in sound and disposing state of mind at the time of executing the Will.

7. News paper publication effected in one issue of Tamil Daily “Makkal Kural” on 29.10.2022 and one issue of English Daily “Trinity Mirror” on 05.11.2022 and it attracted no objectors.

8. The evidence of P.W.1 totally remains unchallenged. With the evidence available on record, the petitioner is able to prove the genuineness of the Will. Having satisfied with the submission made by the learned counsel for the petitioners and appreciating the evidence on record, the petitioner is entitled to the reliefs as prayed for.

9. Accordingly, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will of A.Rajarithnam dated 12.09.2011 annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The petitioner is directed to



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execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (Original Side) of this Court. The petitioner is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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APPENDIX

Petitioner's witness:

P.W.1 – Mr.Raja @ Rajamani

P.W.2 – Mr.S.Rajadurai

P.W.3 – Mr.S.Murugesan

Documents marked on the petitioner's side:

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R.N.MANJULA, J.



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